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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,741	12/22/2000	Thomas Lee Adams	7780/6(T00328)	4606

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EXAMINER

LANIER, BENJAMIN E

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,741

Applicant(s)

ADAMS, THOMAS LEE

Examiner

Benjamin E Lanier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12, 16-21 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12, 16-21 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 25 January 2005 cancels claims 11, 14, 15 and adds claims 23-25. Applicant's amendment is fully considered and entered.

Response to Arguments

2. Applicant's arguments filed 25 January 2005 have been fully considered but they are not persuasive.
3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., secured service such as a server) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
4. Applicant's argument that the Berke reference does not identify a directory number corresponding to the calling source is not persuasive because Berke discloses that prior to any requests for authorization sent out by the calling source, the calling source is registered with the certifying system (Col. 3, lines 58-63). This registration would provide the certifying system information about the calling source that is stored by the certifying system in a manner that makes it retrievable for later authentication, which would meet the limitation of a directory, with number, corresponding to the calling source. Once registered, the calling source may request a service and provide the desired information, which is then compared at the certifying system for verification (Col. 8, lines 49-59).

Claim Rejections - 35 USC § 102

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-9, 12, 16-21, 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Berke, U.S. Patent No. 5,940,187. Referring to claims 1-5, 9, 16, 12, 20, 21, 23, Berke discloses a system for certifying communications over a telephone network wherein a facsimile message is received from an originator, identifying the originator, and transmits the facsimile message and certifying indicia that corresponds to the originator to the intended receiver (Col. 2, lines 43-48), which meets the limitation of receiving a telephone number signal from a calling source. The method includes a registration sequence during which an originator of the facsimile establishes an account with a certifying system by providing certifying indicia and identifying data to the certifying system (Col. 3, lines 58-63). During the delivery sequence the certifying system prompts the originator for one or a plurality of identifying data. The certifying system then compares the identifying data received to the identifying data previously stored in the memory to verify that the identifying data received is correct (Col. 8, lines 49-59), which meets the limitation of identifying a directory number corresponding to said calling source, determining if said calling source has authorization to the secured service provided by the calling destination. If the comparison is positive then the certifying system generates a confirmation number (Col. 10, lines 28-30) and added to the facsimile (Col. 10, lines 38-39) and subsequently transmitted to the intended recipient (Col. 10, lines 41-58), which meets the limitation of retrieving an

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authentication key when said calling source has authorization to the secured service, providing said authentication key to the calling destination.

Referring to claims 6-8, 19, 24, 25. Berke discloses that the confirmation number is generated each time a facsimile is transmitted (Col. 10, lines 33-35), which meets the limitation of removing the authentication key from the communication network after providing the authentication network to the server.

Referring to claims 17, 18, Berke discloses that a confirmation facsimile that contains the confirmation number is transmitted to the originator (Col. 10, lines 60-64), which meets the limitation of providing the authentication key through said communication link to said calling source.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Benjamin E. Lanier



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